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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 LEE D. HUSTEAD,

8 Plaintiff,

9 vs.

10 GENERAL ELECTRIC,

11 Defendant.
12

3:19-cv-00007-RCJ-WGC

ORDER

13 Pending before the Court is a letter (ECF No. 10) from the Plaintiff that the Court will
14 construe as an attempt by the Plaintiff to amend his Complaint. After asserting that the
15 Defendant filed incorrect information with the Court, the Plaintiff wrote in his letter that he
16 “hereby amends his complaint to include the charge of ‘attempt to commit criminal fraud.’” The
17 Court denies the Plaintiff’s request, because the Plaintiff failed to comply with procedural rules
18 and amendment would be futile, because the Plaintiff cannot add a criminal charge in a civil
19 proceeding.

20 Federal Rule of Civil Procedure 15(a)(1)(A) permits a party to amend his pleading once as
21 a matter of course within twenty-one days after serving it. In all other cases, a party may only
22 amend his pleading with the opposing party’s written consent or the court’s leave. Fed. R. Civ. P.
23 15(a)(2). Additionally, Local Rule 15-1(a) requires a moving party to attach the proposed
24 amended pleading to a motion seeking leave of the court to file an amended pleading.

1 Here, the Plaintiff did not follow the basic procedural requirements for seeking
2 amendment of his Complaint. The Plaintiff did not seek to amend his complaint within twenty-
3 one days of serving it and did not obtain the Defendant's consent to file an amendment.
4 Furthermore, the Plaintiff failed to seek leave of court to amend his Complaint and did not attach
5 his proposed amended complaint to his "pleading" seeking amendment. But regardless of any
6 procedural defects, amendment is futile, because the Plaintiff cannot add a criminal charge to a
7 civil complaint. The Plaintiff's proposed claim is not a recognized civil cause of action and
8 would be subject to dismissal. As a result, amendment is futile.

9 The Court will not address any further requests in the Plaintiff's letter, since the Local
10 Rules for the United States District Court for the District of Nevada do not permit parties to file
11 letters with the Court. Local Rule IA 7-1(b) states:

12 an attorney or pro se party must not send case-related correspondence, such as
13 letters, emails, or facsimiles, to the court. All communications with the court must
14 be styled as a motion, stipulation, or notice, and must be filed in the court's docket
15 and served on all other attorneys and pro se parties. The court may strike any case-
16 related correspondence filed in the court's docket that is not styled as a motion,
17 stipulation, or notice.

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19 Accordingly, the Plaintiff must address all further legal correspondence with the Court as
20 a motion, stipulation, or notice. A letter is improper. Therefore, the Court will strike any
21 further correspondence from the Plaintiff that is not properly filed as either a motion,
22 stipulation, or notice. For future filings, the Plaintiff should consult the local rules, which
23 can be found online at the following link: [https://www.nvd.uscourts.gov/wp-](https://www.nvd.uscourts.gov/wp-content/uploads/2017/09/Local-Rules-of-Practice.pdf)
24 [content/uploads/2017/09/Local-Rules-of-Practice.pdf](https://www.nvd.uscourts.gov/wp-content/uploads/2017/09/Local-Rules-of-Practice.pdf)

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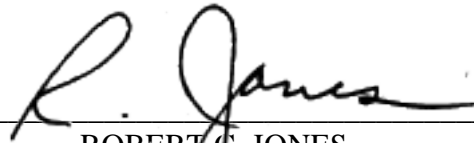
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1 **CONCLUSION**

2 IT IS HEREBY ORDERED that the Plaintiff's Motion to Amend Complaint (ECF No.
3 10) is DENIED.

4 IT IS SO ORDERED.

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6 Dated this 29th day of May, 2019.

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9 ROBERT C. JONES
United States District Judge
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